

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)
vs. Plaintiff,) Case No. 02-00116-03-CR-W-FJG
Steve L. Wright, Jr.,)
Defendant.)

ORDER

I. Report and Recommendation (Doc. No. 432)

The Report and Recommendation Regarding Government's and Defendant's Challenges to Prospective Jurors for Cause (Doc. No. 432, filed July 12, 2006) is hereby affirmed in part. The decision was reached upon review of the transcript of the conference between counsel for the parties and the Honorable Robert E. Larsen, United States Magistrate Judge, as well as the responses to the Report and Recommendation filed by the Government (Doc. No. 438) and the defense (Doc. No. 439).

The venire who are not excused for cause, notwithstanding the Report and Recommendation are as follows: #77.

Those venire who will be stricken for cause notwithstanding the Report and Recommendation to the contrary are: #11, #44, #71, #103, and #130.

Notwithstanding the Report and Recommendation, venire persons #42 and #66 may be subject to further follow-up by the Court.

In all other respects the Report and Recommendation is hereby adopted by this Court. Further, the affirmative response by the venire to question number 104 of the Juror Questionnaire is not per se a basis for recusal, defense counsel's arguments to the contrary notwithstanding.

II. How the Voir Dire is to be Conducted

Voir dire in this matter is set to begin on August 1, 2006. See Doc. No. 416. By allowing the parties the opportunity to propound questions to the venire via the jury

questionnaires, the Court has given counsel great latitude in questioning the venire. The Court has reviewed the parties' previously submitted proposed voir dire (Doc. Nos. 324 and 409), and finds the questions therein to be duplicative of the questions already propounded by the parties in the jury questionnaires. The Court will not allow the parties to repeat questions already asked of the venire. Therefore, the Court finds that all further voir dire will be handled exclusively by the Court in a manner it deems appropriate. In particular, the Court will limit further voir dire to follow-up questions based on the jurors' responses to the jury questionnaires. With that limitation in mind, counsel may submit proposed follow-up voir dire for the Court's review on or before **THURSDAY, JULY 20, 2006, AT 5:00 P.M.¹**

P.M.¹

/s/Fernando J. Gaitan, Jr.

Fernando J. Gaitan, Jr.
United States District Judge

Dated: July 17, 2006
Kansas City, Missouri

¹The submission of follow-up questions does not mean that the Court will be obligated to use such follow-up questions in its voir dire of the remaining panelists.